

LANGER GROGAN & DIVER P.C.

ATTORNEYS AT LAW

HOWARD LANGER
JOHN J. GROGAN*
EDWARD A. DIVER
IRV ACKELSBERG
PETER LECKMAN*

—
HOWARD LANGER
DIRECT DIAL (215) 320-5661
hlangger@langergrogan.com

1717 ARCH STREET
SUITE 4130
PHILADELPHIA, PA 19103
PHONE: 215-320-5660
FAX: 215-320-5703

GEOFFREY C. HAZARD, JR.^{††}
OF COUNSEL
2263 CALIFORNIA STREET
SAN FRANCISCO, CA 94115
415-292-6535
ghazard@langergrogan.com

* ALSO ADMITTED IN NEW JERSEY
† ALSO ADMITTED IN CALIFORNIA
†† ADMITTED IN CALIFORNIA ONLY

March 30, 2015

Via Fax (212)805-7920 and
ECF

Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Laumann, et al. v. National Hockey League, et al., 12-cv-1817 (SAS)
Garber, et al. v. Office of the Commissioner of Baseball, et al., 12-cv-3704 (SAS)

Dear Judge Sheindlin:

I write regarding two matters.

First, Mr. Paris's letter of March 26 purports to clarify the issues regarding a second paper by, among others, Professors Crawford and Yurukoglu. While we disagree with Defendants' and Dr. Pakes's characterizations of the paper, it is unpublished and bears a bolded statement on the cover of its most recent iteration (February 15, 2015): "PRELIMINARY AND INCOMPLETE. PLEASE DO NOT CIRCULATE." While much in the paper supports Dr. Noll's testimony that double marginalization is presently very limited, Plaintiffs, respecting the authors' request and recognizing the tentative nature of the paper, did not use it and it should not have been used by Dr. Pakes. Mr. Diver raised the issue, objecting to its use because it was preliminary and incomplete (at p. 551).

Second, I write to inform the Court of a development in a case discussed at the hearing. On March 26, the court certified a nationwide class of corrugated box purchasers in one of the cases upon which I questioned Dr. Ordover in which he also offered his opinion that impact could not be proven on a class-wide basis (at pp. 247-48). See, *Kleen Products, LLC. et al v. International Paper, Inc. et al*, No. 1:10-cv-05711 (N.D. Ill.). The Court has filed its opinion under seal, but I enclose the minute Order certifying the class.

Respectfully,


Howard Langer

cc: All counsel via ECF (w/enclosure)